



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

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STATE SUPERINTENDENT

May 8, 2014

MEMORANDUM

TO: State Board of Education

FROM: Martin Ackley, Director, Office of Public and Governmental Affairs

SUBJECT: State and Federal Legislative Update

MICHIGAN HOUSE OF REPRESENTATIVES

On May 6, the Standing Committee on Education reported House Bills 5223 (O'Brien) and 5224 (Zemke) as substitute H-4's to amend the Revised School code regarding Performance Evaluation Requirements for Teachers and School Administrators.

(MCL 380.1249, 380.1249a, & 380.1531j) HB 5223 revises current evaluation requirements for teachers.

- The percentage of annual year-end teacher evaluation based on student growth and assessment would remain at 25 percent during the next three academic years: 2014-2015; 2015-2016; and 2016-2017 increasing to 40 percent in the 2014-2015 school year and 50 percent in the 2015-2016 academic year.
- If a teacher is rated as ineffective on three consecutive annual evaluations using the same evaluation framework under the same performance evaluation system, the teacher shall be dismissed from their employment.
- Provide student growth data for educators on the state-mandated assessments.
- School-level growth goals may not compose more than 10% of a teacher's student growth and assessment component.
- The Michigan Department of Education may designate teacher performance evaluation tools as acceptable for use with the ability to revoke the "acceptable" designation if one of the approved tools fails to meet requirements for locally developed evaluation tools.

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- The State Superintendent would be prohibited from issuing a teaching certificate unless the individual was rated as effective or highly effective on the annual year end performance evaluation under Sec. 1249 for the three consecutive school years immediately preceding application for the certificate or the individual was rated effective or highly effective on the annual year end performance evaluation under Sec. 1249 for at least three non-consecutive school years before the application for the certificate, and submitted a recommendation from the chief school administrator of the school at which they are currently employed.

(MCL 380.1249b) House Bill 5224 specifies new performance evaluation requirements for school administrators.

- The performance evaluation system shall include an annual evaluation for all school administrators by the local School Superintendent, intermediate superintendent, or charter school chief administrator (or designees) which are required to be implemented by the beginning of the 2015-2016 school years.
- For the 2014-2015, 2015-2016, and 2016-2017 school years, at least 25% of evaluation shall be based on student growth and assessment component. Beginning in the 2017-2018 school year, at least 50% of evaluation shall be based on student growth and assessment component.
- If a school administrator is rated as ineffective on three consecutive annual evaluations using the same evaluation framework under the same performance evaluation system the school administrator shall be dismissed from their employment.
- The Superintendent of a school district, intermediate superintendent of an intermediate school district, or chief executive of a public school academy, the board of the school district or intermediate school district or board of directors of the public school academy shall conduct a school administrator evaluation at least every two years.
- All evaluators must be trained by the vendor in the evaluation protocol for the evaluation framework used by the school district and that training should be repeated at least every three years.
- MDE shall receive copies of all school administrator evaluation frameworks for the purpose of research and improvement of the system.
- The Department of Education shall periodically review the framework of each school administrator evaluation to determine that each framework meets requirements in statute. If the Department finds that the requirements are not being met it may issue a directive to school districts, ISD's, and public school academies not to use that evaluation framework and they shall comply with the directive.

MICHIGAN SENATE

On April 22, the full committee on Senate Appropriations reported the School Aid Bill, SB 775 (Walker) as a substitute S-1. The Senate Appropriations committee also reported the budget for the Department of Education, SB 776 (Walker) as a substitute S-1. These budget bills were zero budgeted (unfunded) as they will negotiate all appropriations legislation with their House counterparts in the upcoming weeks.

The Senate Education Committee did not meet in April.

Omnibus Budget (Department Budget Bill)

On May 6, the full House of Representatives reported House Bill 5313, a bill to appropriate funds for various state departments and agencies, the judicial branch and the legislative branch for the fiscal year ending September 30, 2015. This bill will be negotiated with their Senate counterparts in the upcoming weeks.

FEDERAL UPDATE

ED Releases Updated Guidance on Prevention of Sexual Abuse of Students

The U.S. Department of Education (ED) updated its guidance on Title IX of the Education Amendments of 1972 (Title IX). The guidance covers topics including what procedures a school must have in place to prevent and resolve sexual violence complaints. This guidance addresses obligations of elementary and secondary schools when students are sexually abused by school employees. ED suggests that K-12 schools develop policies prohibiting inappropriate conduct, clear guidelines for what constitutes inappropriate conduct, and procedures for identifying and responding to such conduct.

ED Announces Plans for Improving IDEA Fiscal Data Collection

The U.S. Department of Education (ED) announced new proposed regulatory priorities that the agency says will allow it to provide technical assistance focused on improving the capacity of states to meet the data collection requirements of the Individuals with Disabilities Education Act (IDEA). ED's new technical assistance will attempt to ensure that states have the capacity to collect spending data and improve this capacity where it is lacking by conducting activities including drafting templates for data collection, coordinating communication with other agencies and sub-agencies, and providing "intensive" technical assistance to a minimum of 10 states per year, focusing on states with the "greatest need" and/or a "demonstrated failure to accurately report" fiscal data.

If you have any questions or concerns regarding these or other legislative issues, please contact me at (517) 241-4395.